

117TH CONGRESS  
2D SESSION

# H. R. 9343

To amend the Communications Act of 1934 to improve access by Indian Tribes to support from universal service programs of the Federal Communications Commission, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2022

Ms. LEGER FERNANDEZ introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Communications Act of 1934 to improve access by Indian Tribes to support from universal service programs of the Federal Communications Commission, and for other purposes.

- 1       *Be it enacted by the Senate and House of Representa-*
- 2       *tives of the United States of America in Congress assembled,*
- 3       **SECTION 1. SHORT TITLE.**
- 4       This Act may be cited as the “Tribal Connect Act
- 5       of 2022”.

1   **SEC. 2. TRIBAL ESSENTIAL COMMUNITY-SERVING INSTITU-**

2                   **TIONS AND UNIVERSAL SERVICE SUPPORT.**

3       Section 254 of the Communications Act of 1934 (47

4 U.S.C. 254) is amended—

5                  (1) in subsection (h)(4), by inserting “, except  
6       as provided in subsection (m)(2)(C),” before “is a li-  
7       brary or library consortium”; and

8                  (2) by adding at the end the following:

9                  “(m) TRIBAL ESSENTIAL COMMUNITY-SERVING IN-  
10      STITUTIONS AND UNIVERSAL SERVICE SUPPORT.—

11                 “(1) DEFINITIONS.—In this subsection—

12                 “(A) the term ‘broadband internet access  
13       service’ has the meaning given the term in sec-  
14       tion 8.1(b) of title 47, Code of Federal Regula-  
15       tions (or any successor regulation);

16                 “(B) the term ‘E-rate program’ means the  
17       universal service support mechanism for schools  
18       and libraries authorized under subsection  
19       (h)(1)(B), the rules of which are set forth  
20       under subpart F of part 54 of title 47, Code of  
21       Federal Regulations (or any successor regula-  
22       tions), as authorized under subsection  
23       (h)(2)(A);

24                 “(C) the term ‘E-rate support’ means uni-  
25       versal service discounts on eligible services in  
26       accordance with subpart F of part 54 of title

1           47, Code of Federal Regulations (or any suc-  
2           cessor regulations), as authorized under sub-  
3           section (h)(2)(A);

4           “(D) the term ‘essential community-serv-  
5           ing institution’ means a facility exclusively  
6           owned by an Indian Tribe, including—

7                 “(i) a Tribal government building,  
8                 chapter house, longhouse, community cen-  
9                 ter, senior center, or after-school facility;  
10                 or

11                 “(ii) any other public building similar  
12                 to a building described in clause (i);

13           “(E) the term ‘High-Cost Program’ means  
14           the program under which universal service sup-  
15           port is awarded in high-cost areas in accord-  
16           ance with subpart D of part 54 of title 47,  
17           Code of Federal Regulations (or any successor  
18           regulations), as authorized under subsection (e);  
19                 and

20                 “(F) the term ‘Indian Tribe’ has the  
21                 meaning given the term ‘Indian tribe’ in section  
22                 20.100 of title 25, Code of Federal Regulations  
23                 (or any successor regulation).

24           “(2) TRIBAL ESSENTIAL COMMUNITY-SERVING  
25           INSTITUTION PILOT PROGRAM.—

1                 “(A) IN GENERAL.—Not later than 180  
2 days after the date of enactment of the Tribal  
3 Connect Act of 2022, the Commission, in con-  
4 sultation with the Institute of Museum and Li-  
5 brary Services and any other agency with rel-  
6 evant responsibilities, shall establish, as part of  
7 the universal service support programs carried  
8 out under this section, either as part of the  
9 High-Cost Program or as a standalone uni-  
10 versal service pilot program, a pilot program to  
11 be known as the ‘Tribal Essential Community-  
12 Serving Institution Program’—

13                 “(i) under which the Commission  
14 shall—

15                 “(I) provide an opportunity for  
16 Indian Tribes to request broadband  
17 internet access service at essential  
18 community-serving institutions located  
19 on Tribal land; and

20                 “(II) authorize support for the  
21 development of infrastructure to pro-  
22 vide the services requested under sub-  
23 clause (I) in a manner similar to the  
24 deployment supported under the  
25 High-Cost Program; and

1                         “(ii) which shall remain in effect  
2                         through the end of fiscal year 2025.

3                         “(B) ELIGIBILITY.—Universal service sup-  
4                         port obtained under this paragraph shall only  
5                         be available if the applicable essential commu-  
6                         nity-serving institution intends to deliver pub-  
7                         licly available broadband internet access service  
8                         and telecommunications services to students,  
9                         teachers, librarians, and members of the com-  
10                         munity.

11                         “(C) ELIGIBILITY FOR SUPPORT AFTER  
12                         THE DEMONSTRATION PROGRAM.—An essential  
13                         community-serving institution that receives uni-  
14                         versal service support under this paragraph  
15                         shall, after the conclusion of the pilot program  
16                         described in subparagraph (A), be eligible for  
17                         universal service support through existing (as of  
18                         the date on which that pilot program concludes)  
19                         and future universal service fund programs.

20                         “(D) USE OF CONTRIBUTIONS.—Of  
21                         amounts collected under subsection (d), not  
22                         more than \$300,000,000 shall be made avail-  
23                         able to carry out the pilot program described in  
24                         subparagraph (A).

1               “(3) TRAINING AND TECHNICAL ASSISTANCE  
2       FOR INDIAN TRIBES AND ESSENTIAL COMMUNITY-  
3       SERVING INSTITUTIONS.—

4               “(A) TECHNICAL ASSISTANCE; ANNUAL  
5       REPORTS.—

6               “(i) IN GENERAL.—The Commission  
7       shall—

8               “(I) direct the administrator of  
9       the universal service support pro-  
10      grams under this section to—

11               “(aa) provide technical as-  
12       sistance to ensure that Indian  
13       Tribes can participate fully and  
14       effectively in the universal service  
15       programs, including the E-rate  
16       program, including by con-  
17       ducting—

18               “(AA) outreach efforts  
19       targeted to Tribal schools  
20       and libraries, essential com-  
21       munity-serving institutions,  
22       and Indian Tribes that do  
23       not have schools and librar-  
24       ies to promote awareness of  
25       the E-rate program and the

1 demonstration programs;  
2 and  
3 “(BB) specific training  
4 programs for Tribal schools  
5 and libraries, essential com-  
6 munity-serving institutions,  
7 and Indian Tribes; and  
8 “(bb) submit to the Com-  
9 mission an annual report regard-  
10 ing the provision of the technical  
11 assistance required under item  
12 (aa) during the year covered by  
13 the report; and  
14 “(II) submit each annual report  
15 received under subclause (I)(bb) to—  
16 “(aa) the Committee on  
17 Commerce, Science, and Trans-  
18 portation of the Senate;  
19 “(bb) the Committee on In-  
20 dian Affairs of the Senate;  
21 “(cc) the Committee on En-  
22 ergy and Commerce of the House  
23 of Representatives; and

1                         “(dd) the Committee on  
2                         Natural Resources of the House  
3                         of Representatives.

4                         “(ii) AUTHORIZATION OF APPROPRIA-  
5                         TIONS.—There are authorized to be appro-  
6                         priated \$25,000,000 to provide the tech-  
7                         nical assistance required under clause  
8                         (i)(I)(aa) for fiscal years 2022 through  
9                         2025.

10                         “(B) REVIEW OF ANNUAL REPORTS.—The  
11                         Commission shall—

12                         “(i) review each annual report re-  
13                         ceived under subparagraph (A)(i)(I)(bb) to  
14                         determine whether additional steps are  
15                         necessary to ensure that Indian Tribes can  
16                         participate fully and effectively in the uni-  
17                         versal service programs, including the E-  
18                         rate program, so that all students who are  
19                         members of Indian Tribes can have access  
20                         to robust, high-speed broadband internet  
21                         access service connections; and

22                         “(ii) in conducting a review required  
23                         under clause (i), consider the resources  
24                         available to Tribal members through the  
25                         entity responsible for administering the

1           universal service programs established  
2           under this section.

3           “(C) GRANTS.—

4           “(i) IN GENERAL.—The Institute of  
5           Museum and Library Services, in coordina-  
6           tion with the Commission and the entity  
7           responsible for administering the universal  
8           service programs established under this  
9           section, shall make direct grants to essen-  
10          tial community-serving institutions and In-  
11          dian Tribes for technical assistance initia-  
12          tives regarding the application process for  
13          the E-rate program and the pilot program  
14          established under paragraph (2).

15          “(ii) AUTHORIZATION OF APPROPRIA-  
16          TIONS.—There are authorized to be appro-  
17          priated \$25,000,000 to make the grants  
18          described in clause (i).

19          “(4) COORDINATION AND PERFORMANCE MEAS-  
20          UREMENT.—The Commission shall—

21           “(A) improve the reliability of the data of  
22           the Commission relating to institutions that re-  
23           ceive universal service support by defining the  
24           term ‘Tribal’ on the application for any such  
25           support;

1               “(B) develop performance goals and measures to track progress on achieving the strategic objective of the Commission of ensuring  
2               that all Indian Tribes have affordable access to broadband internet access service for educational purposes for students, teachers, librarians, and members of the community;

3               “(C) in coordination with the Institute of  
4               Museum and Library Services, identify, in the  
5               United States, all—

6                     “(i) Tribal libraries;  
7                     “(ii) developing Tribal libraries; and  
8                     “(iii) Indian Tribes without adequate  
9                     library services; and

10               “(D) not later than 2 years after the date  
11               of enactment of the Tribal Connect Act of  
12               2022, submit to Congress and make public a  
13               report on the goals and measures developed  
14               under subparagraph (B) and the list of libraries  
15               and Indian Tribes identified under subparagraph (C).

16               “(n) APPOINTMENT OF TRIBAL MEMBER; EXPAN-  
17               SION OF OFFICE.—Not later than 180 days after the date  
18               of enactment of the Tribal Connect Act of 2022, the Com-  
19               mission shall require the entity responsible for admin-

1 istering the universal service programs established under  
2 this section to—

3           “(1) appoint a member of an Indian Tribe, as  
4 defined in subsection (m)(1), to the board of direc-  
5 tors of that entity; and

6           “(2) create or expand the office of that entity  
7 dealing with matters affecting Indian Tribes, as de-  
8 fined in subsection (m)(1).”.

